
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

**INSTRUCTURE, INC., a Delaware
corporation,**

Plaintiff,

vs.

**CANVAS TECHNOLOGIES INC., a
Delaware corporation,**

Defendant.

**ORDER GRANTING MOTION TO
EXPEDITE AND ORDER TO SHOW
CAUSE**

Case No. 2:21-CV-00454-DAK-CMR

Judge Dale A. Kimball

On January 24, 2022, Plaintiff Instructure Inc. (“Instructure”) filed a motion requesting that the court order Defendant Canvas Technologies Inc. (“Canvas Tech”) to show cause as to why it should not be held in contempt for not complying with the preliminary injunction. The next day, Instructure filed a motion requesting that the court expedite its decision on the motion for order to show cause. Due to the urgent nature of enforcing a preliminary injunction, the court grants the motion to expedite, and issues the following order concerning the motion for order to show cause.

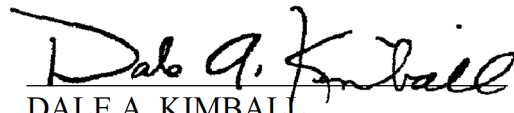
The court granted Instructure’s Motion for Preliminary Injunction on January 5, 2022, and ordered that Canvas Tech cease all use of the CANVAS mark. The deadline for compliance was January 20, 2022. On January 7, 2022, Instructure posted the required \$100,000 bond. That same day, Canvas Tech filed an Emergency Motion to Stay Enforcement of Preliminary Injunction Pending Appeal. Instructure filed its Opposition to that motion on January 18, 2022. On January 19, 2022, Canvas Tech filed a motion to expedite the court’s decision regarding the

emergency stay motion. On that same day, the court granted the motion to expedite, denied the emergency stay motion, and emphasized that January 20, 2022 was still the date by which Canvas Tech needed to comply with the preliminary injunction.

On January 20, 2022, Canvas Tech filed an Emergency Motion to Stay Entry of Preliminary Injunction Pending Appeal in the Tenth Circuit. This motion remains pending. However, Instructure now alleges that Canvas Tech has not complied with this court's preliminary injunction, and that Canvas Tech is still using the CANVAS mark as it had been prior to the injunction. Although Canvas Tech has requested an emergency stay from the Tenth Circuit, this use of the CANVAS mark still should have stopped by January 20, 2022, pursuant to this court's preliminary injunction and subsequent order denying an emergency stay. The court, therefore, issues this Order to Show Cause as to why Canvas Tech should not be held in contempt for not complying with the preliminary injunction. Canvas Tech shall respond to this Order by February 4, 2022.

DATED this 25th day of January, 2022.

BY THE COURT:


DALE A. KIMBALL
United States District Judge